

AMENDED IN ASSEMBLY AUGUST 11, 2016

AMENDED IN ASSEMBLY SEPTEMBER 2, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 654

Introduced by Senator ~~De León~~ Jackson

(Coauthors: Senators Hancock, Leyva, and Wolk)

*(Coauthors: Assembly Members Atkins, Bonilla, Burke, Campos,
Cristina Garcia, Gonzalez, and Lopez)*

February 27, 2015

~~An act to amend Section 25200 of the Health and Safety Code, relating to hazardous waste. An act to add Section 12945.6 to the Government Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 654, as amended, ~~De León~~ Jackson. ~~Hazardous waste: facilities permitting.~~ Unlawful employment practice: parental leave.

Existing law prohibits an employer from refusing to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable time of up to 4 months before returning to work. Existing law also prohibits an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes that leave, as specified.

This bill would prohibit an employer, as defined, from refusing, as specified, to allow an employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period, to take up to 12 weeks of parental leave to bond with a new child within one year of the child's

birth, adoption, or foster care placement. The bill would also prohibit an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes this leave.

~~(1) Existing law, as part of the hazardous waste control law, requires facilities handling hazardous waste to obtain a permit from the Department of Toxic Substances Control. Existing law requires an owner or operator of a facility intending to renew the facility's permit to submit a complete Part A application for a permit renewal prior to the expiration of the permit. Existing law requires the owner or operator to submit a complete Part B application when requested by the department. Existing law requires the department to issue a permit if the facility meets specified requirements. A violation of the hazardous waste control law is a crime.~~

~~This bill would instead require the owner or operator of a facility to submit complete Part A and Part B applications for a permit renewal at least 2 years prior to the expiration date of the permit. The bill would provide that, when a complete renewal application has been submitted before the end of a permit's fixed term, the permit shall be deemed extended for a period not to exceed 36 months until the renewal application is approved or denied and the owner or operator has exhausted all applicable rights of appeal. The bill would specify alternative timelines and rules relating to renewal for permits that expire before January 1, 2019. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 SECTION 1. *This act shall be known, and may be referred to,*
2 *as the New Parent Leave Act.*

3 SEC. 2. *Section 12945.6 is added to the Government Code, to*
4 *read:*

5 12945.6. (a) *It shall be an unlawful employment practice for*
6 *an employer to do either of the following:*

1 (1) Refuse to allow an employee with more than 12 months of
2 service with the employer, and who has at least 1,250 hours of
3 service with the employer during the previous 12-month period,
4 upon request, to take up to 12 weeks of parental leave to bond with
5 a new child within one year of the child's birth, adoption, or foster
6 care placement. If, on or before the commencement of this parental
7 leave, the employer does not provide a guarantee of employment
8 in the same or a comparable position upon the termination of the
9 leave, the employer shall be deemed to have refused to allow the
10 leave. The employee shall be entitled to utilize accrued vacation
11 pay, paid sick time, other accrued paid time off, or other paid or
12 unpaid time off negotiated with the employer, during the period
13 of parental leave.

14 (2) Refuse to maintain and pay for coverage for an eligible
15 employee who takes parental leave pursuant to this section under
16 a group health plan, as defined in Section 5000(b)(1) of the Internal
17 Revenue Code of 1986, for the duration of the leave, not to exceed
18 12 weeks over the course of a 12-month period, commencing on
19 the date that the parental leave commences, at the level and under
20 the conditions that coverage would have been provided if the
21 employee had continued to work in his or her position for the
22 duration of the leave.

23 (b) Parental leave pursuant to this section shall run concurrently
24 with leave taken pursuant to Section 12945.2 and the federal
25 Family and Medical Leave Act of 1993 (Public Law 103-3), except
26 for leave taken for a disability on account of pregnancy, childbirth,
27 or related medical condition. The aggregate amount of leave taken
28 pursuant to this section, Section 12945.2, or the federal Family
29 and Medical Leave Act of 1993, or any combination of these laws,
30 except for leave taken for a disability on account of pregnancy,
31 childbirth, or related medical conditions, shall not exceed 12
32 workweeks in a 12-month period.

33 (c) An employee is entitled to take, in addition to the leave
34 provided pursuant to this section, Section 12945.2, and the federal
35 Family and Medical Leave Act of 1993, leave provided pursuant
36 to Section 12945 if the employee is otherwise qualified for that
37 leave.

38 (d) For purposes of this section, "employer" means either of
39 the following:

1 (1) A person who directly employs 10 or more persons to
2 perform services for a wage or salary.

3 (2) The state, and any political or civil subdivision of the state,
4 and cities, except for a school district, county office of education,
5 or a community college district.

6 ~~SECTION 1. Section 25200 of the Health and Safety Code is~~
7 ~~amended to read:~~

8 ~~25200. — (a) The department shall issue hazardous waste~~
9 ~~facilities permits to use and operate one or more hazardous waste~~
10 ~~management units at a facility that in the judgment of the~~
11 ~~department meet the building standards published in the State~~
12 ~~Building Standards Code relating to hazardous waste facilities and~~
13 ~~the other standards and requirements adopted pursuant to this~~
14 ~~chapter. The department shall impose conditions on each hazardous~~
15 ~~waste facilities permit specifying the types of hazardous wastes~~
16 ~~that may be accepted for transfer, storage, treatment, or disposal.~~
17 ~~The department may impose any other conditions on a hazardous~~
18 ~~waste facilities permit that are consistent with the intent of this~~
19 ~~chapter.~~

20 ~~(b) The department may impose, as a condition of a hazardous~~
21 ~~waste facilities permit, a requirement that the owner or operator~~
22 ~~of a hazardous waste facility that receives hazardous waste from~~
23 ~~more than one producer comply with any order of the director that~~
24 ~~prohibits the facility operator from refusing to accept a hazardous~~
25 ~~waste based on geographical origin that is authorized to be accepted~~
26 ~~and may be accepted by the facility without extraordinary hazard.~~

27 ~~(c) (1) (A) A hazardous waste facilities permit issued by the~~
28 ~~department shall be for a fixed term, which shall not exceed 10~~
29 ~~years for any land disposal facility, storage facility, incinerator,~~
30 ~~or other treatment facility.~~

31 ~~(B) (i) The owner or operator of a facility intending to extend~~
32 ~~the term of the facility's permit shall submit complete Part A and~~
33 ~~Part B applications for a permit renewal at least two years prior to~~
34 ~~the expiration date of the permit. Any other relevant information~~
35 ~~shall be submitted as and when requested by the department. A~~
36 ~~copy of an application for a permit renewal shall also be submitted~~
37 ~~to the independent review panel established within the department~~
38 ~~pursuant to Section 57014.~~

39 ~~(ii) Notwithstanding clause (i), the owner or operator of a facility~~
40 ~~intending to extend the term of a permit that expires before January~~

1 1, 2018, shall submit complete Part A and Part B applications for
2 a permit renewal before January 1, 2018.

3 (C) (i) To the extent not inconsistent with the federal act, when
4 an owner or operator satisfies clause (ii) of subparagraph (B), or
5 a complete renewal application, and any other requested
6 information, has been submitted before the end of a permit's fixed
7 term, the permit shall be deemed extended until the renewal
8 application is approved or denied and the owner or operator has
9 exhausted all applicable rights of appeal, except that this extension
10 shall not exceed 36 months.

11 (ii) Notwithstanding clause (i), for a facility with a permit that
12 expires before January 1, 2016, and for which an application for
13 a permit renewal has been submitted before January 1, 2016, the
14 permit shall be deemed extended until the renewal application is
15 approved or denied and the owner or operator has exhausted all
16 applicable rights of appeal, except that this extension shall not
17 extend beyond December 31, 2018.

18 (D) This section does not limit or restrict the department's
19 authority to impose any additional or different conditions on an
20 extended permit that are necessary to protect human health and
21 the environment.

22 (E) In adopting new conditions for an extended permit, the
23 department shall follow the applicable permit modification
24 procedures specified in this chapter and the regulations adopted
25 pursuant to this chapter.

26 (F) When prioritizing pending renewal applications for
27 processing and in determining the need for any new conditions on
28 an extended permit, the department shall consider any input
29 received from the public.

30 (2) The department shall review each hazardous waste facilities
31 permit for a land disposal facility five years after the date of
32 issuance or reissuance, and shall modify the permit, as necessary,
33 to ensure that the facility continues to comply with the currently
34 applicable requirements of this chapter and the regulations adopted
35 pursuant to this chapter.

36 (3) This subdivision does not prohibit the department from
37 reviewing, modifying, or revoking a permit at any time during its
38 term.

39 (d) (1) When reviewing an application for a permit renewal,
40 the department shall consider improvements in the state of control

1 and measurement technology as well as changes in applicable
2 regulations.

3 (2) Each permit issued or renewed under this section shall
4 contain the terms and conditions that the department determines
5 necessary to protect human health and the environment.

6 (e) A permit issued pursuant to the federal act by the
7 Environmental Protection Agency in the state for which no state
8 hazardous waste facilities permit has been issued shall be deemed
9 to be a state permit enforceable by the department until a state
10 permit is issued. In addition to complying with the terms and
11 conditions specified in a federal permit deemed to be a state permit
12 pursuant to this section, an owner or operator who holds that permit
13 shall comply with the requirements of this chapter and the
14 regulations adopted by the department to implement this chapter.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.